

CHAPTER 21.2

SOLID WASTE COLLECTION AND DISPOSAL*

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ARTICLE I. IN GENERAL

Sec. 21.2-1. Declaration of policy.

It is hereby declared to be the policy of the City of Lynchburg to promote public safety, health, welfare, and to promote the recovery of useful resources by establishing rules and regulations relating to solid waste collection and disposal. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91)

Sec. 21.2-2. Administration and enforcement of chapter.

The city manager or his designee shall be responsible for the administration and enforcement of this chapter, and shall have the authority to establish reasonable rules and regulations, consistent with the provisions of this chapter, which will carry out the purposes and intent. The City of Lynchburg Police Department shall assist in the enforcement of this policy in cooperation with the city manager or his designee. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91)

Sec. 21.2-3. Definitions.

Wherever used in this chapter, unless a different meaning clearly appears in the context, the following terms shall be given the following respective interpretations:

Agricultural waste: All solid waste produced from farming operations, or related commercial preparation of farm products for marketing.

Apartment: A building or portion thereof designed for or occupied by more than two (2) families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all multi-family rental units.

Ash: The fly ash or bottom ash residual waste material produced from incineration or burning of solid waste or from any fuel combustion.

Bottom ash: Ash or slag remaining in a combustion unit after combustion.

Boxes: Includes corrugated boxes, paperboard boxes, cardboard boxes.

Brush: Any yard or debris wastes tree trimmings no larger than (3) inches in diameter and eight (8) feet in length which cannot be placed in containers in accordance with the regulations herein set forth.

Bulk waste: Items of residential waste, such as furniture, large cartons, white goods, or similar materials which cannot be placed in containers in accordance with the regulations herein set forth. Bulk waste does not include tires, household hazardous waste, construction and demolition materials.

***Cross references**—Department of public works, § 2-225 et seq.; health department, § 2-349 et seq.; city market, Ch. 15; nuisances, Ch. 26.

State law reference—Solid waste disposal, Code of Virginia, § 10.1-1408.1 et seq.

Bundles: A number of things bound together for collection (such as brush, broken-down boxes and waste). Brush and yard waste bundles shall meet the requirements of section 21.2-4 for collection. Boxes shall be broken down and tied together. No bundle shall exceed fifty (50) pounds in weight.

Collection: Removal or transportation of solid waste, ashes, recyclable material and yard waste, from its place of storage or collection point to its place of disposal.

Commercial establishment: Any retail or wholesale, restaurant, religious, government or nonresidential establishment at which trash or garbage may be generated.

Commercial waste: All solid waste generated by establishments engaged in business operations other than manufacturing or construction. This category includes, but is not limited to, solid waste resulting from the operation of stores, markets, office buildings, restaurants and shopping centers.

Compost: A stabilized organic product produced by a controlled aerobic decomposition process in such a manner that the product can be handled, stored, and/or applied to the land without adversely affecting public health or the environment. Composted sludge shall be as defined by the Virginia Sewerage Regulations.

Condominium: An apartment house or complex in which the apartments or dwelling units are individually owned.

Construction waste: Solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction wastes include, but not limited to, lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

Debris waste: Wastes resulting from land clearing operations. Debris wastes include, but are not limited to, stumps, wood, brush, leaves, soil, and road spoils.

Demolition waste: Any solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.

Discard: To abandon, dispose of, burn, incinerate, accumulate, store or treat before or instead of being abandoned, disposed of, burned or incinerated.

Discarded material: A material which is:

- (a) Abandoned by being:
 - (1) Disposed of,
 - (2) Burned or incinerated; or
 - (3) Accumulated, stored or treated (but not used, reused, or reclaimed) before or in lieu of being abandoned by being disposed of, burned or incinerated,
- (b) Used, reused or reclaimed material as defined in this part, or
- (c) Considered as solid waste as defined in section 3.2 of the Virginia Solid Waste Management Regulations (VR 672-72-10).

DEQ: The Virginia Department of Environmental Quality.

Disposal: The act of discharging, depositing, injecting, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters.

Disposal site: All land and structures, other appurtenances, and improvements thereon used for treating, storing, and disposing of solid waste. This term includes adjacent land within the property boundary used for the utility systems such as repair, storage, shipping or processing areas, or other areas incident to the management of solid waste. All solid waste disposal sites must be approved and/or permitted by the Virginia Department of Environmental Quality.

EPA: The United States Environmental Protection Agency.

Fly ash: Ash particulate collected from air pollution attenuation devices on combustion units.

Garbage: Readily putrescible discarded materials composed of animal, vegetable or other organic matter.

Hazardous waste: A "hazardous waste" as described by the Virginia Hazardous Waste Regulations (VR 672-10-1).

Household hazardous waste (HHW): The following are examples of what residents can bring on HHW collection days: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. For more information on what types of wastes are accepted or not accepted, call the waste management facility.

Household waste: Any waste material, including garbage, trash and refuse, derived from households. Households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (seepage) which is regulated by state agencies other than DEQ's Division of Waste Management Programs.

Industrial waste: Any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include, but is not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer/agriculture chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and waste treatment. This term does not include mining waste or oil and gas waste.

Inert waste: Solid waste which is physically, chemically and biologically stable from further degradation and considered to be non-reacting. Inert wastes include rubble, concrete, bricks, and blocks.

Institutional waste: All solid waste emanating from institutions such as, but not limited to, hospitals, nursing homes, orphanages, and public or private schools. It can include infectious waste from health care facilities and research facilities that must be managed as an infectious waste. No medical waste is accepted at the city's landfill.

Landfill: A sanitary landfill, an industrial waste landfill or a construction/debris landfill.

Landfill disposal area: The area within the property boundary or permitted for actual burial.

Litter: Any waste as defined in 21.1-2 (Litter Control - Definitions) of this code.

Living units: One or more rooms in a residential building or in a mixed building which are arranged, designed, used or intended for use by one or more persons living together and maintaining a common household.

Medical waste: Any solid waste identified by health care professionals in charge as capable of producing infectious disease in humans. Any solid waste is regulated medical waste if it is one of the following:

(a) discarded cultures, stocks, specimens, vaccines and associated items likely to have been contaminated by them are regulated medical wastes if they are likely to contain organisms likely to be pathogenic to healthy humans;

(b) waste consisting of human blood, human blood products and items contaminated by human blood are regulated human wastes;

(c) all pathological wastes and all wastes that are human tissues, organs, body parts, or body fluids are regulated medical wastes;

(d) used sharps (needles, syringes, etc.) likely to be contaminated with organisms that are pathogenic to healthy humans and all sharps used in patient care are regulated medical waste;

(e) any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of any regulated medical waste is itself regulated medical waste; and

(f) any solid waste contaminated by or mixed with regulated medical waste is itself regulated medical waste.

Motor vehicle: Every device, which is self-propelled or designed for self-propulsion, in, upon, or by which any person or property is or may be transported or drawn upon the highway, except devices moved by human power or used exclusively upon stationary rails or tracks. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space, shall be considered a part of a motor vehicle.

Mover's trash: Solid waste generated due to person or persons moving-in to or moving-out of a residence.

Multi-family unit: A building, or any appurtenances thereof, designed for occupancy or occupied by two (2) or more families, and all living units of which are to be maintained under single ownership or management. This shall be interpreted to include all, but not limited to apartments, condominiums and duplexes with two (2) or more rental units. The owner(s) of a multi-family unit shall be responsible for ensuring that the residents of a multi-family unit comply with the provisions of this chapter.

Municipal solid waste: That waste which is normally composed of residential, commercial, and institutional solid waste. Medical waste is not accepted at the landfill.

Occupant: Any person occupying or residing on any lot, premises or parcel of land in the city and having, at the time, apparent possession or control thereof.

Owner: Any person who, alone or jointly or severally with others:

(a) Shall have legal title to any lot, premises or parcel of land in the city, not, at the time, in the actual or apparent possession or control of another, or;

(b) Shall have charge, care or control of any lot, premises or parcel of land in the city, as agent or representative of the owner, or as personal representative, trustee or guardian of the estate of the owner.

Person: Any individual, corporation, partnership, association, a governmental body, a municipal corporation or any other legal entity.

Putrescible waste: Solid waste which contains organic material capable of being decomposed by micro-organisms and cause odors.

Recyclable material: Any material which retains useful properties that can be reclaimed after the production or consumption process.

Recycling center: A facility designed for the collection, separation and/or recycling of recyclable materials.

Refuse: All solid waste products having the character of solids rather than liquids and which are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from clean up of spills or contamination, or other discarded materials.

Regulated medical waste: Solid wastes defined to be infectious by the Virginia Regulated Medical Waste Management Regulations (VR 672-40-01).

Residential waste: Any household waste.

Rubbish: Combustible or slowly putrescible discarded materials which include but are not limited to trees, wood, leaves, trimmings from shrubs or trees, printed matter, plastic and paper products, grass, rags and other combustible or slowly putrescible materials not included under the term "garbage."

Scavenging: The unauthorized or uncontrolled collection or removal of waste or recyclable materials from a solid waste management facility, waste that has been placed on the curbside for city collection or recycling center.

Semitrailer: Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Site clearance materials: Any items such as boulders, rocks, tree trunks, stumps, or tree limbs.

Solid waste: Any of those materials defined as 'solid waste' in Part III of the Virginia Solid Waste Management Regulations (VR 672-20-10).

Solid waste management facility: A site used for planned treating, storing, or disposing of solid waste. A facility may consist of several treatment, storage, or disposal units.

Special wastes: Solid wastes that are difficult to handle, require special precautions because of hazardous properties or the nature of the waste creates waste management problems in normal operations.

Trailer court: Any lot, parcel or tract of land, together with open spaces, used, designed, maintained or held out to accommodate one (1) or more mobile homes or trailers, including all buildings, structures, tents, vehicles, accessories or appurtenances used or intended as equipment of such mobile home or trailer court. A mobile home court provides for the permanent or long-term location of mobile homes. The owner(s) of the trailer court shall be responsible for ensuring that the residents of the trailer court comply with the provisions of this chapter.

Trash: Combustible and noncombustible discarded materials, and is used interchangeably with the term rubbish.

Waste container: Any approved watertight and covered receptacle used by any person to store solid waste or ashes for collection. This includes approved plastic bags but does not include boxes.

White goods: Any stoves, washers, hot water heaters and other large appliances.

Yard waste: That fraction of municipal solid waste that consists of grass clippings, leaves, brush and tree prunings arising from general landscape maintenance. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff 10-1-97)

Sec. 21.2-4. Preparation of solid waste for curbside collection.

(a) Generally. All solid waste designated for collection by the city is to be completely drained and kept in a covered approved container. Paper must be placed in an approved waste container or kept securely bundled in order to prevent being blown or scattered about the street.

(b) Ashes. Ashes shall be cool and dry before placing in an approved waste container. Ashes shall be kept separate from and not placed in containers with other solid waste.

(c) Sharp objects. Solid waste with sharp edges or points, including but not limited to broken glass and fluorescent tubes, shall be placed in an approved waste container meeting criteria set in section 21.2-6, but not including a plastic bag as described in section 21.2-7. Needles should be placed in a plastic food container with a lid securely fastened with tape.

(d) Recyclable material. In an effort to reduce the flow of solid waste into the landfill and promote the recovery of useful resources, recyclable material should be taken to the proper recycling centers. Any recyclable material that is accepted pursuant to a city recycling program, whether publicly or privately administered, shall be separated from other solid waste for pickup in accordance with criteria to be established by the city manager or his designee. Such items include, but are not limited to, aluminum, newspaper, glass, mixed paper and some plastics. Such recyclable materials should be separated for recycling.

(e) Yard waste. Yard waste collection by the city shall only be furnished to those residences regularly scheduled for the removal of solid waste by the city. All yard waste to be collected with normal residential waste shall be placed in approved containers or tied in bundles no larger than four (4) feet in length, fifteen (15) inches in diameter and fifty (50) pounds in weight. During special yard waste collection, all yard waste will be collected, provided no part is larger than three (3) inches in diameter, and eight (8) feet in length. Tree stumps and tree trunks will not be collected, nor will the waste resulting from topping or removal of a tree. Special yard waste collection is not offered to businesses. Any yard waste that is accepted pursuant to the city composting program shall be separated from other solid waste for pickup.

(f) Paperboard boxes. Paperboard boxes should be taken to recycling centers for recycling or broken down, bundled and securely tied, and tagged with the appropriate refuse disposal tag.

(g) Styrofoam packaging. Styrofoam packaging shall be placed in a securely tied plastic bag and tagged with the appropriate refuse disposal tag.

(h) Litter control bags. Litter control bags will be issued by the city to the neighborhood clean-up groups and individuals involved with adopt-a-street and adopt-a-spot clean-ups.

(i) Weight limitations. The total weight of any approved waste container, including its contents, or bundle which is for regularly scheduled collection shall not exceed fifty (50) pounds in weight. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-5. Containers required.

Subject to the provisions of sections 21.2-6 through 21.2-10 of this chapter, it shall be the responsibility of all property owners to ensure waste containers comply with the specifications set forth by the city. It shall be unlawful for any person to place solid waste in containers other than those approved by the city. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-6. Approved waste containers—generally.

Approved waste containers for city collection shall be between ten (10) and thirty-two (32) gallons in capacity, tapered in design, and constructed of either lightweight metal or heavy durable plastic. In addition to being leakproof, such containers shall be provided with proper fitting covers of the same material which shall be used to prevent the omission of odors, the gathering of insects, and the scattering of contents. No container shall be filled to the point of overflowing, and covers shall be in place at all times. Containers shall also be provided with adequate handles. Containers shall not be filled to exceed fifty (50) pounds of weight. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-7. Same—plastic bags.

Plastic bags as described herein shall constitute an approved waste container, and when plastic bags are used for the disposal of solid waste, the same shall conform to the following specifications:

- (a) Film thickness: The gauge of the film used shall have an average of no less than one and one-half (1.5) mil with a point-to-point variation not to exceed twenty (20) percent more or less.
- (b) Bag size: One to thirteen gallon bags shall not be filled to exceed twenty-five (25) pounds in weight. Fourteen (14) and up to thirty-two (32) gallon bags shall not be filled to exceed fifty (50) pounds in weight.
- (c) Twist ties: The ties used shall have a minimum length of three (3) inches.
- (d) Securely tied: Plastic bags containing solid waste shall be securely tied when placed outside for collection to prevent refuse from falling out. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-8. Maintenance of containers.

Every waste container required by this article shall be maintained in as sanitary condition as possible in view of the use to which it is put, and shall be thoroughly cleansed as needed by washing, sanitizing or otherwise. All waste containers shall be kept in good condition, and solid waste shall not be placed in any container that is so constructed or is so defective that the contents leak or spill. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-9. Nonacceptable containers.

- (a) Any container other than the aforementioned approved containers shall not be used for the storage and collection of solid waste for city collection; this includes, but is not limited to, cardboard boxes, and barrels.
- (b) Lightweight metal or durable plastic containers which are no longer acceptable will be tagged with a warning of violation. Once tagged, these containers will be considered solid waste collected, and disposed of by the city. Use of a waste container after it has been tagged with a warning of violation is prohibited. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-10. Sunken waste containers prohibited.

- (a) It shall be unlawful for any person to install a new waste container, the bottom of which is sunken or depressed below the abutting grade level.
- (b) Sunken containers in existence may continue in use unless they are disapproved by the city manager or his designee.
- (c) Any person using any sunken container shall place such container at the point of collection on collection day. The contents of any sunken waste container may be placed in an approved waste container before being placed at the designated point of collection at curbside. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91)

Sec. 21.2-11. Accumulation of solid waste.

- (a) Each resident, commercial establishment or person having solid waste shall provide himself with city approved waste containers adequate to contain the solid waste generated at said establishment which accumulates between periods of removal from the premises, and shall place and keep all solid waste therein until disposal. Solid waste may not accumulate outside of the containers. Household waste that a resident is storing to bring to the landfill or for other disposal must be stored in closed containers in such a manner so as to not attract animals, emit offending odors, or be a safety or health risk, and such waste may not be stored for a period of more than one month.
- (b) It shall be unlawful for anyone to throw or to cause to accumulate onto the streets, sidewalks or private property any solid waste or any other substance that will render the street or premises unclean or unsightly or unsafe to any person or vehicle using the streets or liable to injuriously affect the health or

safety of the community. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Secs. 21.2- 12 - 21.2- 15. Reserved.

ARTICLE II. SOLID WASTE COLLECTION GENERALLY

Sec. 21.2- 16. Transporting refuse in vehicles.

No person shall transport any garbage, trash or any other waste or refuse substance upon the streets of the city in an open or uncovered vehicle, unless such solid waste is transported in a covered container within the vehicle. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2- 17. Substances not collected.

Any substance prohibited from disposal in the municipal solid waste management facility pursuant to section 21.2-59(b) will not be collected for disposal by the city if identified by the city in the course of collection. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-18. Unauthorized removal.

Once placed on the edge of the streets of the city, it shall be unlawful for any unauthorized person to remove solid waste from or otherwise interfere with waste containers or the contents thereof. Any persons other than designated city employees must obtain prior authorization from the property owner, city manager or his designee. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2- 19. Special collections—generally.

Special collections by the city shall only be furnished to residential customers. Special collection services are not offered to businesses. Dates for said special collections will be established by the city, and public notification of said dates shall be made prior to those collections.

Special collections shall include bulk waste collection, yard waste (brush and leaf) collection and a one-time mover's trash collection of solid waste. No fee will be charged for the collection of designated waste during special collection. Bagged leaves, yard waste, and appropriately bundled brush will be subject to the disposal fee when put out with refuse at other times in accordance with the provisions of section 21.2-16 through 21.2-18. Brush collection restrictions include tree trimming sizes not exceeding three (3) inches in diameter and eight (8) feet in length. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2- 20. Same—bulk waste and white goods.

The city will remove bulk wastes and white goods which have been placed on the edge of the street. White goods that would normally contain compressors with freon must have the compressor and relating tubing fully in tact unless said white good is accompanied by a certification from an appropriate person stating that all contained freon has been captured and recycled. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2- 21—21.2- 25. Reserved.

ARTICLE III. SOLID WASTE COLLECTION—CITY COLLECTION**Sec. 21.2-26. Collection.**

(a) The city shall collect refuse from eligible residential and small business properties abutting a public street and certain multi-family units. If solid waste is placed curbside on the day of city waste collection for that property, it is assumed that property desires city waste collection services. Owners or operators of multi-family units (to include, but not limited to apartments, condominiums, duplexes and town homes) and trailer courts with two or more rental units and non-manufacturing businesses accept the fee-related responsibility for associated disposal charges. Owners of all properties not eligible or desiring of city collection shall be responsible for the proper storage and disposal of all refuse; said refuse may not be placed curbside on the day the city is scheduled to provide collection services. Those properties not eligible for city collection include, but are not limited to: properties of six (6) or more living units and manufacturing businesses.

(b) House trailers shall be treated as single family units only if they front on a public street and reside upon individually platted lots. House trailers which do not front on a public street and reside upon individually platted lots shall be treated as multi-family dwellings.

(c) If the waste containers put out by the occupants of a multi-family unit or trailer court do not display appropriate refuse tags or annual decals, a duly designated officer of the city will give written notice to the owner(s) or operator(s) of the multi-family unit or trailer court. It shall be the responsibility of the owner(s) or operator(s) to take appropriate action to make sure the occupants of the multi-family unit or trailer court place appropriate refuse tags or annual decals on their waste containers. If after giving written notice to the owner(s) or occupant(s) the waste containers of a multi-family unit or trailer court still do not display appropriate refuse tags or annual decals, the city may discontinue refuse collection from such multi-family unit or trailer court and the owner(s) or operator(s) shall make arrangements with a commercial refuse collector for the collection and disposal of the solid waste generated by the multi-family unit or trailer court. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-27. Entry on private property.

Municipal vehicles and personnel will not enter private property for the purpose of removing solid waste. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-28. Placement for collection.

(a) Bundles or approved waste containers containing solid waste which are to be collected by the city shall be placed at the edge of the street no earlier than 6:00 p.m. of the previous day and not later than 7:00 a.m. on the appropriate collection day. Approved waste containers shall be removed from the streets as soon as possible, but not later than 7:00 p.m. of that same day.

(b) Containers for solid waste set out for collection and disposal by the city shall be placed so as not to hinder, block, retard or endanger those using the streets, alleys or walkways of the city and so as to be reasonably accessible to the employees of the city.

(c) In any prosecution charging the failure to display an official refuse tag or annual decal on a waste container, proof that a waste container was placed in front of a residence in violation of this chapter with proof that the defendant was at the time of the violation the occupant of the residence shall constitute in evidence a prima facie presumption that the occupant of the residence was the person who committed the violation.

(d) In any prosecution charging the failure to display an official refuse tag or annual decal on a waste container, proof that an examination of the waste container in question revealed material that identifies the generator of the solid waste, shall constitute in evidence a prima facie presumption that the generator of

the waste was the person who committed the violation. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2- 29. Collection frequency.

(a) Curbside collection of solid waste will be provided by the city once each week. Solid waste collection in the Central Business District will be provided two (2) times a week for those businesses not having exterior space for a commercial dumpster. A schedule of days for those collections performed by the city will be available at the waste management facility, and information with reference thereto will be available to the public upon request.

(b) Holidays shall include New Year's Day, Fourth of July, Thanksgiving Day and Christmas Day. One (1) collection per week will be made regardless of holidays - collection dates will be advertised. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2- 30. Collection by other than city personnel.

No person, other than designated city employees, may place solid waste in the city collection vehicles. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91)

Sec. 21.2- 31. Disposal fees.

(a) Refuse collected pursuant to section 21.2-26 of this code must be contained within (i) a plastic bag displaying an appropriate official city tag, (ii) an approved container with an appropriate official city tag on the handle of the approved container or on top of the refuse in the approved container, (iii) an approved container displaying a valid city decal, or (iv) a bundle meeting the specifications in this chapter displaying an appropriate official city tag. Official city refuse tags and annual decals shall be available for purchase at those locations designated by the city manager or his designee. A list of the currently designated locations for the purchase of tags or decals will be available for review at the city collections division during regular business hours. Decals will be sold at the collection division windows of city hall during regular business hours and through the mail pursuant to a system approved by the city manager or his designee and at such other locations as may be approved by the city manager or his designee.

(b) Tags for plastic bags and approved containers with a volume of fourteen (14) and up to thirty-two (32) gallons or for bundles not to exceed fifty (50) pounds shall cost ninety-five cents (\$0.95) per tag. Tags for plastic bags with a volume of one (1) and up to thirteen (13) gallons or for bundles not to exceed twenty-five (25) pounds shall cost forty-five cents (\$0.45) per tag. It shall be unlawful to substitute two forty-five cent (\$0.45) tags for one ninety-five (\$0.95) cent tag.

(c) Annual decals for once per week pickup for reusable trash containers with a volume of up to thirty-two (32) gallons shall cost forty dollars (\$40.00) each. Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

<u>Period</u>	<u>Percentage of Full Price</u>
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%

April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container. In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half ($\frac{1}{2}$) of a month shall be counted as a full month and a period of less than one-half ($\frac{1}{2}$) of a month shall not be counted.

(d) In certain areas designated by the city manager or his designee for twice per week pickup, annual decals for twice per week pickup for reusable trash containers with a volume of up to thirty-two (32) gallons shall cost eighty dollars (\$80.00) each. Such decals shall be valid for a twelve (12) month period beginning October 1 through September 30 of each year. The cost for an annual decal will be prorated on a monthly basis by paying the following percentages of the annual decal:

<u>Period</u>	<u>Percentage of Full Price</u>
September 1 – October 31	100%
November 1 – November 30	92%
December 1 – December 31	84%
January 1 – January 31	76%
February 1 – February 28	68%
March 1 – March 31	60%
April 1 – April 30	52%
May 1 – May 31	44%
June 1 – June 30	36%
July 1 – July 31	28%
August 1 – August 31	20%

In the event the person purchasing a decal moves outside the city or goes out of business, the purchaser shall be entitled to receive a prorated refund on a monthly basis for that portion of the year the decal will not be used. A request for a refund must be made no later than thirty (30) days after the end of the year for which the decal was issued. Before issuing a refund the director of finance may require satisfactory evidence that a decal for which the refund is sought has been destroyed. For purposes of proration, a period of more than one-half ($\frac{1}{2}$) of a month shall be counted as a full month and a period of less than one-half ($\frac{1}{2}$) of a month shall not be counted. Such decals are transferrable from one address to another upon the approval of the city manager or his designee. All such decals shall prominently display the year of the decal and street address of the location of the trash container.

(e) The owner or operator of any location designated to sell refuse tags or annual decals shall be compensated for accounting and remitting the fee levied for the purchase of the tags. Such compensation shall be a deduction of three percent (3%) of the amount of the fee from the sale of such tags or decals. The deduction shall be accounted for in the accounting report submitted to the city with the fees from the sale of the tags, provided that the amount due is not delinquent at the time of payment. The city manager or his designee shall establish criteria for the designation of locations and the accounting and payment procedures by the owners and operators of the designated locations. The fees collected from the sale of tags and decals are public funds and shall be held in trust for the city by the person collecting the same. It shall be a criminal offense for the person holding such fees to use them for any purpose whatsoever.

(f) Beginning January 1, 1998, the city manager or his designee shall have the authority to issue thirty-two (32) gallon annual decals at no cost to disadvantaged citizens or families and to elderly or permanently and totally disabled citizens who qualify for the tax relief pursuant to Section 36-175 of the city code upon criteria to be developed by the city manager or his designee. Thirty-two (32) gallon annual decals may also be issued at no cost to other citizens based on criteria developed by city council when council determines by resolution that it is in the public interest for such citizens to receive no cost decals. Disadvantaged citizens or families and elderly or permanently and totally disabled citizens that live in multi-family dwellings and trailer courts that do utilize the city's refuse collection services shall not be entitled to a free annual decal or refuse tags.

(g) Except as allowed in this chapter, no refunds in whole or in part shall be allowed for tags which are unused, lost, destroyed or stolen. Except as allowed in this chapter, no refuse disposal fees shall be discounted, waived or suspended.

(h) In the event any annual decal issued under this chapter shall be lost, stolen or destroyed, the person to whom the decal was issued may make application to the collections division and obtain a duplicate decal upon furnishing information of such fact, by affidavit or other evidence that is satisfactory to the director of finance/director of human services. Any person providing false or intentionally misleading information to the collections division/social services division under this section shall be guilty of a class 3 misdemeanor and the collections division/social services division shall revoke any duplicate decal issued as a result of such false or intentionally misleading information.

(i) The city manager or his designee shall have the authority to provide for refuse collection and disposal on a limited basis at no cost for city sponsored specific community clean-up or litter reduction efforts. The city manager or his designee shall use color-coded plastic bags or approved containers, or other special arrangements which are necessary or appropriate for the administration of such cleanup or litter reduction efforts.

(j) The city manager or his designee shall have the authority to adjust or suspend fees due to natural disasters such as fires, floods and severe storms pursuant to criteria to be developed by the city manager or his designee.

(k) Residents are allowed one free trip up to 1000 pounds to the landfill per calendar month from the house in which they reside. Residents must show proof of their Lynchburg address to the cashier in the scalehouse each time they come to the landfill. If a resident's driver's license (or I.D. card) does not show their correct and current address, they must also bring a current utility bill showing their address of the origin of the load. If a resident has someone else bring in a load for them, they must give the hauler either a driver's license or a current utility bill from their address. In addition, the hauler must show their driver's license. If a resident's free trip goes over 1000 pounds and/or if the resident makes other trips to the landfill during the calendar month after utilizing their free trip, the resident must pay by cash or check at the posted tipping fee.

Tires are not included as part of a resident's free trip. There is a surcharge for disposal of tires. Tire disposal rates are posted at the landfill.

Rental property is considered a business. Landlords, who do not have a charge account with the landfill, must pay by cash or check at the posted tipping fee per ton when bringing a load from property they own but at which they do not reside. If a business, church (or other charitable organization) does not have a charge account with the landfill, they must pay by cash or check at the posted tipping fee per ton. (Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-95-016, 1-10-95; Ord. No. O-95-256, 9-12-95; Ord. No. O-97-201, 9-23-97, eff. 10-1-97; Ord. No. O-98-213, 9-22-98; Ord. No. O-99-044, 3-9-99)

Sec. 21.2- 32. Administration, prohibition.

(a) The city manager or his designee shall be responsible for overseeing and employing reasonable discretion in the design, implementation and administration of the variable fee-based disposal system. Any interpretation of sections 21.2-26 through 21.2-32 shall be the responsibility of the city manager or his designee.

(b) The city manager or his designee shall have the authority to designate one or more persons to perform all or part of his duties and exercise his rights granted under this chapter.

(c) It shall be unlawful for any person to steal, copy or deface any official tag or decal issued pursuant to section 21.2-31 of this chapter. (Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Secs. 21.2- 33—21.2- 35. Reserved.

ARTICLE IV. SOLID WASTE COLLECTION—COMMERCIAL COLLECTION

Sec. 21.2- 36. Authority to make or revise regulations.

The city manager or his designee shall have the authority to make or revise such regulations concerning commercial collection and disposal as deemed necessary; provided, that such regulations shall not be contrary to the provisions of this chapter. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91)

Sec. 21.2- 37. License required.

No person shall engage in the business of collecting, transporting or disposal of solid waste without a business license for said business which is to be obtained from the appropriate city office. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91)

Sec. 21.2- 38. Compliance with code.

The commercial collector shall conform to the applicable provisions of this code and other ordinances of the city, as well as all other applicable regulations and policies. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91)

Sec. 21.2-39. Placement for collection.

(a) All solid waste collections made by commercial collectors shall be made directly from the premises of the owner, and any empty containers shall be returned directly to said premises.

(b) No person shall place any commercial container on public property or in public right-of-way without written permission of the city manager or his designee, nor shall any person place such container on private property in such a way that collection of solid waste will obstruct or impede pedestrian or vehicular traffic or otherwise create a safety hazard for traffic.

(c) It shall be the responsibility of the property owner to ensure all commercial containers and the immediate area around them shall be kept clean and sanitary at all times. Solid waste shall be completely contained within such container, and all doors of the unit shall be kept closed. Containers shall conform to

all state and federal regulations regarding storm water run-off. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-40. Container requirements.

All solid waste containers to be collected by commercial collector shall conform to the specifications therefor established by this chapter. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-41. Vehicle regulations.

(a) All vehicles used in the collection of solid waste shall be kept and maintained in a clean and sanitary condition, and shall be so constructed and maintained as to prevent spillage of the solid waste to be collected therein.

(b) All vehicles transporting solid waste shall be watertight and completely enclosed.

(c) All vehicles two (2) tons gross in weight (G.P.W.) or more to be used to dispose of solid waste at the city landfill shall be equipped with suitable hoisting or ejection equipment.

(d) All vehicles to be used to dispose of solid waste at the city landfill shall be rated with their volume capacity.

(e) No vehicle used in the collection of solid waste shall be parked on a city street overnight.

(f) No vehicle shall be parked in violation of the city code relating to parking of trucks and commercial vehicles in a residential district.

(g) All vehicles shall transport solid waste in such a manner as not to create a nuisance or adversely affect public health, nor create any unnecessary noise.

(h) All vehicles used in the collection of solid waste shall meet all federal and state safety requirements for commercial vehicles. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91)

Secs. 21.2-42—21.2-45. Reserved.

ARTICLE V. MISCELLANEOUS PROVISIONS

Sec. 21.2-46. Dumping regulations.

(a) It shall be unlawful for any person to dispose of solid waste upon the premises of another or in any public place or on any public road, street or highway, in any manner, except in approved waste containers provided for such purposes other than in a manner provided by this code.

(b) When a violation of the provisions of this section has been observed by any person, or if the solid waste is dumped or disposed of in the highway, right-of-way, street, road, property adjacent to public way, or private property, and examination of the solid waste reveals material that identifies the generator of the solid waste, the generator shall be presumed to be the person dumping such solid waste; provided, however, that such presumption shall be rebuttable by competent evidence. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-47. Penalty for violation of this chapter.

Except as provided in Section 21.2-51, violations of any provision of this chapter shall be punishable as follows:

(a) For a first offense within one (1) year, a class 3 misdemeanor.

(b) For a second offense within one (1) year, a class 2 misdemeanor.

(c) For a third offense within one (1) year, a class 1 misdemeanor. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-47.1. Payment of civil fines.

For any offense charging a failure to display an official refuse tag or annual decal on a waste container, the person charged with the violation may avoid a court hearing by paying the civil fines listed below to the city official designated by the city manager to receive such fines.

(a) for a first offense a fine of \$10.00;

(b) for the second offense a fine of \$20.00; and

(c) for a third offense a fine of \$30.00. (Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-48. Solid waste generated outside the city.

It shall be unlawful for any person or business to bring into the city any solid waste accumulated outside the city and deposit the same at the municipal solid waste management facility or at any other place within the city, unless approved by the city manager or his designee. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-49. Placing or removing solid waste in or from public containers, or bins or containers for recyclable materials.

(a) It shall be unlawful for any person to dispose of in any public solid waste container, in the city, placed at various locations in the city to prevent littering on the public ways, any solid waste generated incident to the ordinary conduct of a household, place of business or industrial establishment or any other solid waste prohibited from disposal in the municipal solid waste management facility pursuant to section 21.2-59(b).

(b) It shall be unlawful for any person to deposit any unauthorized solid waste into or around recycling bins or containers which are part of a city recycling program, whether publicly or privately administered, except for such specific recyclable materials for which such bins or containers are designated.

(c) It shall be unlawful for any person to remove any recyclable materials from a recycling bin or container that is part of a city recycling program, once the recyclable materials have been placed in or around the recycling bin or container. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-50. Repeated violations of chapter.

Any person who violates this chapter, two (2) or more times during a one (1) year period may be prohibited from future use of the recycling and municipal solid waste management facility by the city manager or his designee.

Upon request, a hearing shall be held before a designated officer of the city on such prohibition. The hearing shall be an informal administrative proceeding other than a judicial-type of proceeding and the rules of evidence shall not apply. The decision of the designated officer shall be final and not subject to appeal. (Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-51. Illegal possession or use of refuse tags.

(a) It shall be unlawful for any person to possess, sell or use a refuse tag or annual decal that the person did not purchase at face value, receive from a person who purchased the refuse tag at face value or receive from an authorized city agency.

(b) It shall be unlawful for the owner or the operator of any business, other than a business that has been properly designated to sell refuse tags as provided in Section 21.2-31 of this chapter, to possess refuse tags or annual decals or to sell refuse tags or annual decals to any person.

(c) It shall be unlawful for the owner or operator of any business that has been properly designated to sell refuse tags as provided in Section 21.2-31 of this chapter, to possess or to sell any refuse tag or annual decal that was not issued to the business by the city.

(d) Any person violating any of the provisions of this section shall be guilty of a class 1 misdemeanor. Each incident of possession, sale or use of a refuse tag in violation of this section shall constitute a separate offense and shall be punishable as a class 1 misdemeanor. (Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Secs. 21.2- 52—21.2- 55. Reserved.

**ARTICLE VI. SOLID WASTE DISPOSAL—MUNICIPAL SOLID
WASTE MANAGEMENT FACILITY PROVISIONS**

Sec. 21.2-56. Administration.

The city manager or his designee is authorized to adopt appropriate rules and regulations and to establish policies to administer the operation of the municipal solid waste management facility and recycling centers. Any rules or regulations adopted or policies established pursuant to this section shall be consistent with the provisions of this chapter. A violation of any rules or regulations adopted pursuant to this chapter shall constitute a violation of this chapter. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-57. Operating procedures.

The waste management administrator may adopt rules and regulations and establish policies for the operating procedures of the municipal solid waste management facility and recycling centers. Such facility and centers shall be regulated by the waste management administrator in accordance with such operating procedures and with any rules and regulations adopted and policies established by the city manager or his designee for the administration of the operation of the facility and centers. Any rules or regulations adopted or policies established pursuant to this section shall be consistent with the provisions of this chapter. A violation of any rules or regulations adopted pursuant to this section shall constitute a violation of this chapter. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

Sec. 21.2-58. Municipal solid waste management facility.

(a) Only solid waste which is generated within the city unless approved by the city manager or his designee may be deposited at the municipal solid waste management facility and only those persons authorized by the city manager or his designee will be permitted to accept solid waste at such facility. Upon the request of any municipal employee, any person delivering solid waste for disposal at the municipal solid waste management facility shall provide verification to such employee that the solid waste proposed for disposal was generated in the city.

(b) No scavenging or salvaging at the municipal solid waste management facility shall be permitted except as may be contracted by the city. No person, except as specifically authorized by the city, shall dispose of any solid waste in the municipal solid waste management facility, except during the hours of operation as established by the city manager or his designee and posted at the entrance to the facility.

(c) Residents are allowed one free trip of up to 1000 pounds to the landfill per calendar month from the house in which they reside. Residents must show proof of their Lynchburg address to the cashier in the scalehouse each time they come to the landfill. If a resident's driver's license (or I.D. card) does not show their correct and current address, they must also bring a current utility bill showing their address of the

origin of the load. If a resident has someone else bring in a load for them, they must give the hauler either a driver's license or a current utility bill from their address. In addition, the hauler must show their driver's license. If a resident's free trip goes over 1000 pounds and/or if the resident makes other trips to the landfill during the calendar month after utilizing their free trip, the resident must pay by cash or check at the posted tipping fee.

Tires are not included as part of a resident's free trip. There is a surcharge for disposal of tires. Tire disposal rates are posted at the landfill.

Rental property is considered a business. Landlords, who do not have a charge account with the landfill, must pay by cash or check at the posted tipping fee rate when bringing a load from property they own but do not reside in. If a business, church (or other charitable organization) do not have a charge account with the landfill, they must also pay by cash or check at the posted tipping fee rate.

Household hazardous waste is a service for Lynchburg residents only, businesses are excluded. Household hazardous waste collection days are announced yearly. Residents must show a picture identification for proof of their Lynchburg address. Following are examples of what residents can bring to the landfill on the household hazardous waste collection day: acids/bases, aerosols, antifreeze, autostarter, brake fluids, batteries, cleaners/polishes, corrosives, drain openers, flammables, furniture stripper, herbicides, kerosene, lighter fluids, oven cleaners, oxidizers, oil based paints, pesticides, photo/pool chemicals, poisons, solvents/thinners, used motor oil, weed killers and wood preservatives. For more information on what types of wastes are accepted, please call the waste management facility. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2- 59. Substance regulations.

(a) Generally. No solid waste of any sort shall be removed from private premises and deposited for disposal within the city at any location other than those approved by the city manager or his designee provided that the materials approved for disposal are consistent with the federal and state regulations for the disposal of such solid waste and this chapter.

(b) Prohibited solid waste. Solid waste prohibited from disposal in the municipal solid waste management facilities are as follows:

(1) Free liquids.

a. Bulk or non-containerized liquid waste unless the waste is leachate or gas condensate derived from the municipal solid waste management facility itself and the facility is designed with a composite liner and leachate collection system as described in sections 5.1.B.9. and 5.5.B. of the Virginia Solid Waste Management Regulations (VR 672-20-10), or

b. Containers holding liquid waste, unless:

1. The container is a small container similar in size and total quantity to that normally found in household waste;

2. The container is designed to hold liquids for use other than for storage; or

(2) Regulated hazardous wastes.

(3) Solid waste, residue or soil containing dioxins as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-20), and as prohibited by rules or regulations adopted or policies established by the city.

(4) Solid waste, residue or soil containing polychlorinated biphenols (PCBs) as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the city.

(5) Unstabilized sewage sludge or sludges and combustion residue (ash) as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the city.

(6) Pesticide containers that have not been triple rinsed and crushed.

(7) Drums and barrels that are not empty, properly cleaned and opened and both ends cut out.

(8) Waste oil, with the exception being used motor oil accepted from Lynchburg residents on household hazardous waste collection days.

(9) Contaminated soil as regulated within the Virginia Solid Waste Management Regulations (VR 672-20-10), and as prohibited by rules or regulations adopted or policies established by the city.

(10) Asbestos containing material as prohibited by rules or regulations adopted or policies established by the city.

(11) Regulated infectious wastes.

(12) Large animal carcasses.

(13) Any solid waste otherwise prohibited under this chapter or by rules or regulations adopted or policies established by the city.

(c) Permitted solid waste. Solid waste not listed in section 21.2-59(b) may be accepted for disposal in the municipal solid waste management facility. Such solid waste that generally will be accepted and subject to municipal solid waste management facility operating procedures, for disposal in the municipal solid waste management facility includes, but is not necessarily limited to, the following:

(1) Agricultural waste.

(2) Special wastes such as dusts, powders, sludges, and ash and air pollution control residues that are not classified as hazardous waste when managed as regulated by rules or regulations adopted or policies established by the city.

(3) Commercial waste.

(4) Compost.

(5) Discarded material.

(6) Garbage.

(7) Household waste.

(8) Industrial waste, except where such waste does not meet the criteria in the municipal solid waste management facility operating procedures or this chapter for the disposal of industrial waste.

(9) Inert waste.

(10) Institutional waste, except anatomical waste from health care facilities or regulated medical waste as specified in the Virginia Medical Waste Management Regulations (VR 672-40-01).

(11) Municipal solid waste.

(12) Putrescible waste, including small animal carcasses other than livestock.

(13) Refuse.

(14) Construction/demolition waste.

(15) Rubbish.

(16) Scrap metal.

(17) Waste water treatment sludges containing no free liquids and stabilized, digested or heat treated waste water treatment plant sludges containing no free liquids. The amount of sludges accepted for disposal may be limited by the municipal solid waste management facility operating procedures.

(18) Debris and yard waste.

(19) White goods.

(d) Commercial and industrial waste. Commercial and industrial waste will not be accepted for disposal at the municipal waste management facility unless all recyclable materials, tires, wood and other forms of solid waste as designated in the municipal solid waste facility operating procedures are removed from such commercial or industrial waste prior to delivery to the facility, or separated upon delivery to the facility.

(e) Special and industrial waste. Only certain types of special and industrial waste as approved by the Virginia Solid Waste Management Regulations (VR 672-20-10) may be disposed of in the municipal solid waste management facility. Any such industrial or special waste shall be delivered in a form so as not to include other types of solid waste. Any person desiring to dispose of special or industrial waste in the municipal solid waste management facility shall (i) obtain approval for disposal of the special waste from the city prior to delivery and (ii) deliver to the city a copy of all certifications and results of independent laboratory analysis required by the city.

(f) Wood, debris and yard waste. Any wood, debris and yard waste delivered to the municipal solid waste management facility for disposal shall be separated from other solid waste being delivered to the facility.

(g) Any person who delivers to the municipal solid waste management facility any solid waste prohibited from disposal in the facility under section 21.2-59(b), shall promptly upon notification from the city remove such prohibited wastes from the facility. Failure to remove such prohibited waste constitutes a violation of this chapter. The city may choose to sample, test, store, transport and haul any such prohibited waste for appropriate disposal and charge the person delivering said waste for all incurred city and contractual costs.

(h) Any person who delivers to the municipal solid waste management facility any non-household waste, either entirely or in part, must participate in an inspection of that delivered waste upon request by authorized employees and according to solid waste management facility procedures. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93; Ord. No. O-97-201, 9-23-97, eff. 10-1-97)

Sec. 21.2-60. Solid waste management facility fees.

(a) Fees for solid waste delivered to the municipal solid waste management facility shall be periodically reviewed and determined by the city council and posted at the solid waste management facility.

(b) Payment will be collected at the landfill scale house in cash, except that commercial and industrial users may request monthly billings for solid waste management facility service provided they are licensed to do business in the city. The fees charged such commercial and industrial users shall be due and payable within forty-five (45) days of the billing date of the statement to the user. For all statements remaining unpaid for forty-five (45) days, a penalty in the amount of ten (10) percent or ten dollars (\$10.00), whichever is greater, shall be assessed thereon. Further, for all statements remaining unpaid at the end of a period of sixty (60) days following the date of issue, there shall be assessed thereon interest at the rate of ten (10) percent per annum from the first day following the day such amount is due, and said interest shall be collected upon both the charges and any penalty assessed thereon.

(c) A surcharge waste may be assessed by the city for special or industrial waste that requires research, analysis and/or special handling. (Ord. No. O-91-056, 3-26-91, eff. 4-1-91; Ord. No. O-93-246, 9-14-93, eff. 10-1-93)

